

FISCAL NOTE

HB 2765 - SB 2973

January 26, 2008

SUMMARY OF BILL: Defines as vehicular assault a DUI committed while accompanied by a child less than 18 years of age who suffers serious bodily injury as a proximate result of that DUI. If the child is killed as a proximate result, offense is defined as vehicular homicide punishable as a Class B felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$34,400/Incarceration*

Assumptions:

- Under Tenn. Code Ann. § 39-13-106, a person who commits a DUI and causes serious bodily injury to another person as a result of that DUI commits vehicular assault, punishable as a Class D felony. Under Tenn. Code Ann. § 55-10-403, a person who commits a DUI while accompanied by a child less than 18 years of age, who suffers serious bodily injury as a result of that DUI commits a Class D felony. The punishment is the same for both offenses.
- Under Tenn. Code Ann. § 39-12-213, a person who commits a DUI and kills another as a result of that DUI commits vehicular homicide, punishable as a Class C felony. Under the proposed bill, a person who commits a DUI while accompanied by child less than 18 years of age, who is killed as a result of that DUI, commits a Class B felony.
- Estimate assumes one offender per year will be convicted of a Class B felony for vehicular homicide involving intoxication and the victim was a child less than 18 years of age. The offender will receive a sentence elevated from a Class C to a Class B felony and will serve an additional 1.5 years (an increase from 0.9 years to 2.4 years) as a result of this bill.
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.9 years is \$20,637.67 (\$62.78 x 328.73 days). The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The additional cost from increasing the average sentence length from 0.9 years to 2.4 years is \$34,395.28 (\$55,032.95 - \$20,637.67).

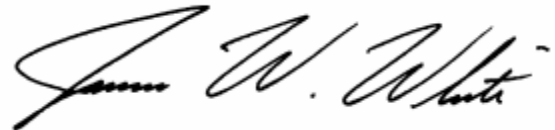
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- No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc